

U.S. DISTRICT COURT  
DISTRICT OF VERMONT  
FILED

UNITED STATES DISTRICT COURT  
DISTRICT OF VERMONT

2019 MAY 21 PM 3:14

RICHARD WEST AND JOSEPH  
BRUYETTE, individually and on behalf of a  
class of similarly situated persons;


Plaintiffs,

v.

AL GOBEILLE, Vermont Secretary of  
Human Services, MARTHA MAKSYM,  
Vermont Deputy Secretary of Human  
Services, MICHAEL TOUCHETTE,  
Vermont Department of Corrections  
Commissioner, BENJAMIN WATTS,  
Vermont Department of Corrections Health  
Services Director, in their official capacities,  
and CENTURION OF VERMONT, LLC,

Defendants.

Civil Action No.

2:19-cv-81  
CLERK  
BY   
DEPUTY CLERK

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**DECLARATION OF JAMES VALENTE  
IN SUPPORT OF PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

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I, James Valente, declare under penalty of perjury and in accordance with the laws of the United States and the State of Vermont that:

1. I am one of the attorneys for Plaintiffs. I am a member in good standing of the Bar of the State of Vermont, this Court, and the Second Circuit Court of Appeals (all of which I have practiced in).

I am also a member in good standing of the Bar of the State of New Hampshire.

2. I received a Bachelor of Arts degree from Drew University in 2006. I thereafter read for the law as a four-year law clerk under the supervision of Thomas W. Costello, Esq. and passed both the Vermont bar exam and the MPRE the first time I sat for them in February of 2011. I was admitted to

practice in Vermont on May 17, 2011 (and in this Court on March 13, 2013) and have practiced full-time since admission.

3. Throughout my career, I have been engaged in litigation, which has included civil, criminal, family, land use, and probate matters. I have tried fourteen (14) cases to jury verdict as first chair, including four (4) matters with a potential maximum penalty of lifetime incarceration; all four (4) of which resulted in the acquittal of my clients. I have represented indigent defendants on behalf of the Defender General (as contracted assigned counsel), the Superior Court of the State of Vermont, and the Vermont Bar Association (both upon request as *pro bono* counsel).

4. I have also been actively engaged in appellate work since my admission, including fourteen (14) cases appealed to decision in the Vermont Supreme Court or Second Circuit Court of Appeals. Among those matters were appeals in both courts against State or municipal entities under the Tort Claims Act or 42 U.S.C. § 1983.

5. I have specifically litigated against high-ranking State of Vermont officials and Defendant Centurion of Vermont, LLC, alleging deliberate indifference by failure to provide necessary medical care; and breach of the medical standard of care in correctional facilities. I have also been involved in litigation on behalf of prisoners alleging physical assault, sexual assault, and violation of the right to due process.

6. In addition to my work as a litigator, I have been appointed to sit as Acting Judge and have presided over more than twenty (20) contested hearings in small claims court. I am currently being considered to preside over criminal arraignments in the Vermont Superior Court – Criminal Division.

7. I have served since 2015 as the Chair of the Brattleboro Development Review Board, a quasi-judicial entity which reviews permit applications and adjudicates appeals of decisions by the town zoning administrator.

8. I have served since 2017 as a member of one of the hearing panels serving Vermont's Professional Responsibility Board. These panels adjudicate actions involving allegations of attorney misconduct.

9. I am Secretary of the Windham County Bar Association, Treasurer of the Young Lawyers Division of the Vermont Bar Association, and Delegate from Region 1 (Vermont and Maine) to the Young Lawyers Assembly of the American Bar Association.


10. I have been President of Costello, Valente & Gentry, P.C. ("CVG") since 2013; and the managing partner and majority shareholder since 2014. CVG is an eight (8) lawyer general practice firm with offices in Brattleboro and West Dover, Vermont. It is presently the largest law office (measured in number of lawyers) in Windham County. One of my responsibilities is to act as co-supervisor for our three (3) four-year law clerks.

11. CVG and its lawyers devote substantial resources to the community and matters of public interest. These have included, for example:

- a. Organization and execution of a *pro bono* expungement clinic;
- b. Organization and execution of *pro bono* estate planning day devoted to veterans;
- c. Providing coaches for the mock trial team at our local high school;
- d. Planning and acting out the "real" examinations from "To Kill a Mockingbird" for local elementary school students; and
- e. Speaking engagements at local schools and for scouting troops about the practice of law.

I have personally participated in each of these examples.

DATED in Brattleboro, County of Windham and State of Vermont, this 20<sup>th</sup> day of May, 2019.

  
James Valente